# Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Security assurances against the use or threat of use of nuclear weapons

### Working paper submitted by the Islamic Republic of Iran

1. Any nuclear weapon use will lead to immediate, indiscriminate and massive death and destruction and long-term catastrophic consequences on human health, the environment and other vital economic resources, thus endangering the lives of present and future generations. As long as nuclear weapons exist, the risk of their use or threat of use persists. The only absolute guarantee against the use or threat of use of nuclear weapons is nuclear disarmament and the total elimination of nuclear weapons.

2. The International Court of Justice decided, in its advisory opinion of 8 July 1996 on the Legality of the Threat or Use of Nuclear Weapons, that "there is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons", and "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law". Therefore, as any use or threat of use of nuclear weapons would be contrary to Article 2 (4) of the Charter of the United Nations, general principles of international law and rules and regulations of the international humanitarian law, and would constitute a crime against humanity, there should be assurance against the use or threat of use of these illegal, inhumane and illegitimate weapons, pending the realization of the total elimination of nuclear weapons and as an interim measure.

3. It is the legitimate right of all non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances. Assurances that such weapons would never be used against non-nuclear-weapon States parties to the Non-Proliferation Treaty would strengthen the security of such States which have renounced the acquisition of nuclear weapons and promote the objective of nuclear disarmament and non-proliferation.

4. Since 1946, there have been repeated calls, by the overwhelming majority of the non-nuclear weapon States, in numerous resolutions of the General Assembly, for the realization of effective, universal, unconditional, non-discriminatory and irrevocable



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legally binding security assurances against the use or threat of use of nuclear weapons. Such calls have also been made at all Review Conferences.

5. While some provocative and destabilizing policies and measures, such as the improvement of existing nuclear weapons, as well as the development of new types of such weapons, in particular tactical nuclear weapons — which, by reducing the threshold for their use, gives rise to fears of the use of these inhumane weapons — the abrogation of the Anti-Ballistic Missile Treaty and the acts of some nuclear-weapon States with regard to nuclear-weapon-sharing and the deploying of hundreds of nuclear weapons and global missile defence systems in other countries, continue to negatively impact the security of the non-nuclear-weapon States parties to the Non-Proliferation Treaty, regrettably, no substantial achievement has yet been reached on granting security assurances to such States.

6. At the same time, the relevant unilateral statements by nuclear-weapon States regarding security assurances against the use and threat of use of nuclear weapons are limited, conditional and insufficient and, above all, can justify the use of such weapons by resorting to such vague and undefined concepts as "defending the vital interests" of a nuclear-weapon State or its "allies and partners".

7. Under the nuclear strategies, concepts and policies of certain nuclear-weapon States and a certain nuclear alliance, the use of nuclear weapons against non-nuclear-weapon States in specific circumstances is envisaged. For instance, according to the Nuclear Posture Review of a nuclear-weapon State, the possibility of the use or threat of use of nuclear weapons against non-nuclear-weapons States that are party to the Non-Proliferation Treaty has been envisaged.

8. It is argued by nuclear-weapon States that negative security assurances should be granted only in the context of the nuclear-weapon-free zones, which, of course, is rejected by the Islamic Republic of Iran and many other countries because, firstly, the respective protocols of some treaties establishing such zones have not been signed or ratified by one or more nuclear-weapon States; secondly, the protocols additional to a certain such treaty have been signed and ratified by nuclear-weapon States, but with reservations and interpretative declarations contrary to the object and purpose of such instruments, and therefore, in practice, to date, none of the existing nuclear-weapon-free zones have received "unconditional and irrevocable legally binding assurances"; and thirdly, the prospects for the establishment of a nuclear-weapon-free zone in some regions such as the Middle East is quite unclear due to the persistent refusal of the Israeli regime to accede to the Non-Proliferation Treaty without any further delay and condition as a non-nuclear-weapon party.

9. Taking into account the aforesaid facts and observations, in the view of the Islamic Republic of Iran, the full realization of the right of all non-nuclear-weapon States parties to the Treaty to receive such assurances is of crucial importance and needs to be addressed by the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons as a matter of priority and through the establishment of a subsidiary body on security assurances.

10. To that end, the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons should adopt a separate "decision on negative security assurances", containing the following elements:

*Recognizes* that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons;

*Affirms* that any use or threat of use of nuclear weapons would be contrary to Article 2 (4) of the Charter of the United Nations, general principles of international law and rules and regulations of the international humanitarian law, and would

constitute a crime against humanity, and that resorting to Article 51 of the Charter to do so is also not justified;

*Reaffirms* the particular importance of assuring and strengthening the security of non-nuclear-weapon States parties;

*Recognizes* the right and legitimate interest of all non-nuclear-weapon States parties to receive unequivocal and legally binding security assurances from nuclear-weapon States against the use or threat of use of nuclear weapons, and the urgent need to extend such assurances, pending the total elimination of nuclear weapons;

*Declares* that all the nuclear-weapon States unequivocally undertake to refrain, under any and all circumstances and without discrimination or exception of any kind, from the use or threat of use of nuclear weapons against any non-nuclear-weapon State party to the Treaty;

*Confirms*, in this regard, that all the nuclear-weapon States agree that the Conference on Disarmament should immediately begin negotiations on an internationally legally binding instrument to effectively, unconditionally, non-discriminatorily and irrevocably assure all non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons under all circumstances, and bring those negotiations to a conclusion no later than in 2023.